

DELAINE EASTIN
State Supervisendent of Public Instruction

August 11, 1997

Dear County and District Superintendents:

## FEDERAL GUN-FREE SCHOOLS ACT of 1994 Requirements for Federal Funding Eligibility

I am writing to you to encourage you to review your county or district policies related to the Gun-Free Schools Act (GFSA) enacted on October 20, 1994 as part of the Improving America's Schools Act (IASA) (the reauthorization of the Elementary and Secondary Education Act of 1965 [ESEA]), Public Law 103-382 (Section 8921 et seq., Title 20, U.S. Code). The GFSA requires districts and county offices of education requesting ESEA funds to submit to the Department of Education assurances of compliance with state and federal laws related to incidents on campus involving the possession of firearms (Section 8921(d), Title 20, U.S. Code). It has come to my attention through the Coordinated Compliance Review process that while many LEAs believe they are in compliance, they are not.

The GFSA and California Education Code section 48916 require local education agencies to expel from school for a period of not less than one calendar year a student who is determined to have brought a weapon (firearm) to school, and allow each LEA's chief administering officer to modify the one year expulsion requirement on a case-by-case basis. The GFSA (Section 8922, Title 20, U.S. Code) and Education Code section 48902(a) require referral to law enforcement, criminal justice, or the juvenile delinquency system of any student who brings a firearm to school. Federal GFSA guidelines require LEAs to have firearm-related policies consistent with Federal and State law in order to be eligible to receive any ESEA funds (Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act of 1994, revised October 31, 1995). Consequently, I urge you to review your expulsion and weapons policies, and as necessary, modify them to reflect these requirements.

To assist you in complying with the GFSA, the California School Boards Association (CSBA) has drafted sample policies related to these requirements and generously allowed CDE to reprint and attach to this letter portions of relevant policies. Please contact CSBA at 916-371-4691 for more information on their sample policies.

If you have questions, please contact Linda Davis-Alldritt at 916-327-5930 in the Safe Schools and Violence Prevention Office.

Sincerely,

DELAINE EASTIN

State Superintendent of Public Instruction

NOTICE

The guidance in this program advisory is not binding on local education agencies or other entities. Except for the statutes and federal guidelines that are referenced herein, this advisory is exemplary and compliance with it is not mandatory. (See Education Code section 33308.5)

Excerpts from California School Boards Association Sample Policies:

## WEAPONS AND DANGEROUS INSTRUMENTS: AR 5131.7(c)

"The principal or designee shall notify law enforcement authorities about any student possession of weapons and any acts of assault by a student with a firearm or other deadly weapon or instrument. (Education Code section 48902, Penal Code sections 245, 626.9, 626.10)"

## SUSPENSION AND EXPULSION PROCESS: AR 5144.1(j)

"Mandatory Recommendation and Mandatory Expulsion: The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code section 48915 (c)).

 Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, . . ."

## SUSPENSION AND EXPULSION PROCESS: AR 5144.1(q)

"Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis."